

104TH CONGRESS
2D SESSION

H. R. 3428

For the relief of certain former spouses of employees of the Federal
Government.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 1996

Mr. OXLEY introduced the following bill; which was referred to the Committee
on Government Reform and Oversight

A BILL

For the relief of certain former spouses of employees of
the Federal Government.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ELIGIBILITY FOR SURVIVOR ANNUITY BENE-**
4 **FITS.**

5 For the purpose of determining eligibility for survivor
6 annuity benefits for a former spouse under section 8341
7 of title 5, United States Code, an application of any
8 former spouse shall be approved if—

9 (1) the annuitant is deceased;

1 (2) the former spouse was living as of January
2 1, 1992;

3 (3) the former spouse has not received Social
4 Security benefits based on eligibility as the spouse of
5 the annuitant;

6 (4) such application was filed on or after Janu-
7 ary 1, 1989;

8 (5) the annuitant rendered at least 25 years of
9 creditable service to the Federal Government;

10 (6) at the time of the annuitant's retirement,
11 the annuitant and the former spouse had been mar-
12 ried at least 25 years;

13 (7) at the time of the annuitant's retirement,
14 the annuitant designated the former spouse to re-
15 ceive survivor annuity benefits;

16 (8) the annuitant and the former spouse were
17 divorced prior to September 14, 1978, and after the
18 annuitant retired;

19 (9) neither at the time of the divorce nor at any
20 time thereafter was a joint waiver of survivor annu-
21 ity benefits executed between the annuitant and the
22 former spouse;

23 (10) the divorce decree was silent as to survivor
24 annuity benefits or designated the former spouse to
25 receive survivor annuity benefits;

1 (11) subsequent to the divorce of the annuitant
2 and the former spouse, the annuitant advised the
3 Office of Personnel Management of the divorce;

4 (12) neither annuitant nor the former spouse
5 married any other individual after their divorce from
6 each other;

7 (13) no direct notice outlining or defining the
8 former spouse's survivor annuity benefits election
9 rights was delivered to the former spouse by the Of-
10 fice of Personnel Management; and

11 (14) the former spouse has exhausted all judi-
12 cial remedies up to and including remedies available
13 through the United States Court of Appeals.

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